

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

EMILIO LASTRETO, M.D.  
Certificate No. A07654

Respondent.

NO. D-2658

DECISION

The attached Stipulation is hereby adopted by the Division  
of Medical Quality of the Board of Medical Quality Assurance as its  
Decision in the above-entitled matter.

This Decision shall become effective on September 16, 1981.

IT IS SO ORDERED September 16, 1981.

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE

  
MILLER MEDEARIS  
Secretary-Treasurer

1 GEORGE DEUKMEJIAN, Attorney General  
for the State of California  
2 JOANNA BEAM,  
Deputy Attorney General  
3 6000 State Building  
San Francisco, CA 94102  
4 Telephone: (415) 557-4033  
5 Attorneys for Complainant  
6  
7

8 BEFORE THE  
9 BOARD OF MEDICAL QUALITY ASSURANCE  
DIVISION OF MEDICAL QUALITY  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation  
Against:

12 EMILIO LASTRETO, M.D.  
13 1333 Jones Street #1203  
San Francisco, CA  
14 Physician's and Surgeon's  
Certificate No. A-07654  
15  
16

NO. D-2658

STIPULATION AND AGREEMENT

Respondent.  
17

18 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE  
19 PARTIES IN THE ABOVE-ENTITLED MATTER AS FOLLOWS:

20 1. That Accusation No. D-2658 is presently pending  
21 against respondent Emilio Lastreto, M.D. (hereinafter referred to  
22 as the "respondent") in the above matter.

23 2. That respondent is and has been represented by  
24 James Jones, Esq., of the law offices of Popelka, Allard, McCown &  
25 Jones, and has conferred with counsel at all stages of these pro-  
26 ceedings.

27 3. That respondent has fully discussed the charges and

1 allegations contained in said Accusation No. 2658 on file with the  
2 Division of Medical Quality (hereinafter referred to as the  
3 "Division"), Board of Medical Quality Assurance (hereinafter re-  
4 ferred to as the "Board") with representatives of complainant and  
5 with James Jones or other counsel in the law offices of Popelka,  
6 Allard, McCown & Jones and respondent has been fully advised with  
7 regard to his rights in this matter.

8           4. That respondent is fully aware of his right to a  
9 hearing in the charges and allegations contained in said Accusation  
10 No. 2658, his right to reconsideration, appeal and any and all  
11 other rights which may be accorded him pursuant to the California  
12 Administrative Procedure Act and the law of the State of California.

13           5. That respondent hereby freely and voluntarily  
14 waives his right to a hearing, reconsideration, appeal and any and  
15 all other rights which may be accorded him by the California  
16 Administrative Procedure Act and the law of the State of California  
17 with regard to said Accusation No. D-2658 on file with the  
18 Division of Medical Quality, Board of Medical Quality Assurance.

19           6. That respondent agrees to freely and voluntarily  
20 terminate his practice as a physician and surgeon upon approval of  
21 this Stipulation and Agreement by the Division of Medical Quality  
22 and to surrender his certificate of licensure to the Division of  
23 Medical Quality, Board of Medical Quality Assurance within thirty  
24 days of acceptance of this stipulation by the Division of Medical  
25 Quality, Board of Medical Quality Assurance.

26           7. That respondent recognizes that upon the surrender  
27 of his certificate to the Division of Medical Quality, respondent

1 will lose all rights and privileges accorded by his licensure as a  
2 physician and surgeon.

3 8. That in consideration of respondent's surrender of  
4 his physician's and surgeon's certificate No. A-07654 and in con-  
5 sideration of the conditions set forth below in paragraphs 9  
6 through 11, the Division of Medical Quality, Board of Medical  
7 Quality Assurance, will dismiss Accusation No. D-2658 without  
8 prejudice.

9 9. That if respondent applies for certification as a  
10 physician and surgeon in the State of California in the future,  
11 said application shall be treated by the Board as an original  
12 application, and the Board may consider any and all information  
13 gathered in connection with Accusation No. D-2658 in its decision  
14 to grant or deny such future application for a certificate by  
15 respondent.

16 10. That if respondent applies for certification as a  
17 physician and surgeon in the State of California in the future,  
18 that in addition to the normal conditions for an application for  
19 licensure, respondent agrees to perform all the following  
20 conditions precedent before his license could be granted:

21 A. Respondent shall take and pass an oral exami-  
22 nation to be administered by the Division or its designee.  
23 If respondent fails this examination, respondent must  
24 wait three months between re-examinations except that  
25 after three failures respondent must wait one year to  
26 take each necessary re-examination thereafter. The  
27 Division shall pay the cost of the first examination and

1 respondent shall pay the costs of any subsequent exami-  
2 nation;

3 B. The Division or its designee may require re-  
4 spondent to submit to an administrative medical evalu-  
5 ation by an internist designated by the Division who  
6 shall furnish a report to the Division stating whether  
7 respondent is fit to practice medicine and whether re-  
8 spondent requires medical treatment to practice medicine  
9 safely, and if said evaluation is required, respondent  
10 shall not obtain licensure unless said report indicates  
11 that respondent is fit to practice medicine safely;

12 C. The Division or its designee may require re-  
13 spondent to undergo an administrative psychiatric evalu-  
14 ation by a physician or physicians designated by the  
15 Division who shall furnish a report to the Division  
16 stating whether the respondent is fit to practice medicine  
17 safely, and if said evaluation is required, respondent  
18 shall not obtain licensure unless said report indicates  
19 that respondent is fit to practice medicine; and

20 D. Prior to applying for licensure, respondent  
21 shall submit to the Division for its prior approval, a  
22 program of approved Category I, Continuing Medical Edu-  
23 cation, related to the violations found in the decision.  
24 The exact number of hours and the specific content of the  
25 program shall be determined by the Division or its designee  
26 and shall not total less than twenty-five nor more than  
27 seventy-five hours per year. This program shall be in

1 addition to the Continuing Medical Education require-  
2 ments for relicensure. The Division or its designee may  
3 also require respondent to pass an examination related to  
4 the content of the program.

5 11. IT IS FURTHER STIPULATED AND AGREED that the terms  
6 set forth herein shall be null and void and in no way binding upon  
7 the parties hereto unless and until accepted by the Division of  
8 Medical Quality, Board of Medical Quality Assurance, State of  
9 California.

10 DATED: August 7, 1981.

11 GEORGE DEUKMEJIAN, Attorney General  
12 JOANNA BEAM, Deputy Attorney General

13 Joanna Beam  
14 JOANNA BEAM  
15 Deputy Attorney General

16 Attorneys for Complainant

17 DATED: August 7, 1981.

18 Y. A. Jones  
19 POPELKA, ALLARD, MCCONN & JONES  
20 Attorneys for Respondent

21 I hereby certify that I have read this Stipulation and Agree-  
22 ment in its entirety, that my attorney of record has fully  
23 explained the legal significance and consequences thereof, that I  
24 fully understand all of same, and in witness thereof, I affix my  
25 signature.

26 DATED: Aug 7, 1981.

27 Emilio Lastreto  
EMILIO LASTRETO, M.D.  
Respondent

1 GEORGE DEUKMEJIAN, Attorney General  
for the State of California  
2 JOANNA BEAM,  
Deputy Attorney General  
3 6000 State Building  
San Francisco, CA 94102  
4 Telephone: (415) 557-1346  
5 Attorneys for Complainant  
6  
7

REDACTED

8 BEFORE THE  
9 BOARD OF MEDICAL QUALITY ASSURANCE  
DIVISION OF MEDICAL QUALITY  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation  
12 Against:

13 EMILIO LASTRETO, M.D.  
1333 Jones Street #1203  
San Francisco, CA  
14 Certification No. A-07564

NO. D-2658

ACCUSATION

15 Respondent.  
16

17 ROBERT ROWLAND, complainant herein, charges and alleges  
18 as follows:

19 1. He is the Executive Director of the Board of Medical  
20 Quality Assurance, State of California (hereinafter referred to as  
21 the "Board"), and he makes these charges and allegations in his  
22 official capacity and not otherwise.

23 2. At all times material herein, respondent Emilio  
24 Lastreto, M.D. (hereinafter referred to as "respondent Lastreto"),  
25 has held Physician's and Surgeon's Certificate No. A-07564 issued  
26 by the Board. Said certificate was issued to respondent Lastreto  
27 on or about August 26, 1937 and is presently in good standing.

1           3. Desoxyn is a trade name for the generic substance  
2 methamphetamine hydrochloride, and is a controlled substance as  
3 defined in Schedule II, section 11055(j)(1) of the Health and  
4 Safety Code, and a dangerous drug as defined in sections 4211(c)  
5 and (k) of the Business and Professions Code. <sup>1/</sup>

6           4. Empirin Compound with Codeine is a trade name for  
7 the combined generic substances acetylsalicylic acid and codeine  
8 phosphate and is a controlled substance as defined in Schedule III,  
9 section 11056(d) of the Health and Safety Code, and a dangerous  
10 drug as defined in sections 4211(a) and (k).

11           5. Ritalin is the trade name for the generic substance  
12 methylphenidate hydrochloride, and is a controlled substance as  
13 defined in Schedule II, section 11055(d)(4) of the Health and  
14 Safety Code, and a dangerous drug as defined in sections 4211(a)  
15 and (c).

16           6. Sections 2360 and 2361 provide, in part, that the  
17 Board shall take disciplinary action against holders of certi-  
18 ficates for unprofessional conduct. Unprofessional conduct is  
19 defined therein to include violating or attempting to violate,  
20 directly or indirectly, or assisting in or abetting the violation  
21 of, or conspiring to violate, any provision or term of this  
22 Chapter (Business and Professions Code, Chapter 5, §2000, et seq.).

23           7. Section 2399.5 provides that prescribing, dis-  
24 pensing, or furnishing dangerous drugs, as defined in section 4211  
25 of the Code, without a good faith prior examination and medical

26  
27           1. All statutory references are to the Business and  
Professions Code unless otherwise indicated.

4           8. Section 725 provides, in part, that repeated acts  
5 of clearly excessive prescribing or administering of drugs or  
6 treatment, as determined by the standard of the local community  
7 of licensees, is unprofessional conduct within the meaning of this  
8 Chapter (Business and Professions Code, Chap 5, Div. 2).

9. On or about the dates listed below respondent did  
prescribe a controlled substance and/or dangerous drug as listed  
below to the individuals listed below, without first conducting  
a good faith examination and without medical indication therefore:

23 e. September 26, 1980 Xose A. [REDACTED] 50 Desoxyn 15 mg.  
(aka Rose A. [REDACTED])

3.

1 in violation of section 2399.5, and thereby constitutes grounds  
2 for disciplinary action against respondent pursuant to sections  
3 2360 and 2361.

4 SECOND CAUSE FOR DISCIPLINARY ACTION

5 11. The dates, individuals and controlled substances  
6 and/or dangerous drugs set forth above in paragraphs 9(a) to (e),  
7 inclusive, are incorporated herein by reference as though set  
8 forth at length. On or about said dates, and each of them, re-  
9 spondent did violate state statutes regulating dangerous drugs  
10 or controlled substances, to wit: Health and Safety Code section  
11 11154, in that he did provide the enumerated substances to the  
12 designated individuals on the dates specified, when said individuals  
13 were not under his treatment for a pathology or condition.

14 12. The conduct alleged above in paragraph 11 is un-  
15 professional conduct on the part of respondent in violation of  
16 section 2391.5, in that said conduct violates section 11154 of the  
17 Health and Safety Code, a state statute regulating dangerous drugs  
18 or controlled substances, and thereby constitutes grounds for  
19 disciplinary action against respondent pursuant to sections 2360  
20 and 2361.

21 THIRD CAUSE FOR DISCIPLINARY ACTION

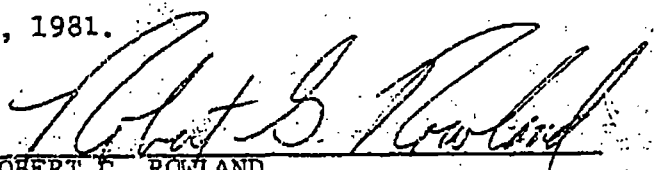
22 13. The allegations set forth in paragraphs 9 and 9(a)  
23 through 9(e) are incorporated herein by reference as though set  
24 forth at length. On or about such dates, and each of them,  
25 respondent did violate state statutes relating to excessive pre-  
26 scribing or treatment, to wit: Business and Professions Code  
27 section 725, in that he did repeatedly and excessively provide the

1 enumerated substances to the designated individuals on the dates  
2 specified.

3 14. The conduct alleged above in paragraph 13 is un-  
4 professional conduct on the part of the respondent in violation of  
5 section 725 of the Business and Professions Code and therefore  
6 constitutes grounds for disciplinary action against respondent pur-  
7 suant to section 2360 and 2361.

8 WHEREFORE, complainant prays that the Board hold a  
9 hearing on the matters alleged herein and following said hearing  
10 issue a decision suspending or revoking the Physician's and  
11 Surgeon's Certificate No. A07564 issued to Emilio Lasreto, M.D.,  
12 and taking such other action as the Board deems proper.

13  
14 DATED: January 8, 1981.

15  
16   
17 ROBERT G. ROWLAND  
18 Executive Director  
19 Board of Medical Quality Assurance  
20 State of California

21 Complainant  
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24  
25  
26  
27

1 GEORGE DEUKMEJIAN, Attorney General  
for the State of California  
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Deputy Attorney General  
3 6000 State Building  
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8 BEFORE THE  
9 BOARD OF MEDICAL QUALITY ASSURANCE  
DIVISION OF MEDICAL QUALITY  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation  
Against:

12 EMILIO LASTRETO, M.D.  
13 1333 Jones Street #1203  
San Francisco, CA  
14 Physician's and Surgeon's  
Certificate Number A-07564

15 Respondent.  
16

NO. D-2658

FIRST SUPPLEMENTAL  
ACCUSATION

17 Robert G. Rowland, alleges the following in his official  
18 capacity as Executive Director of the Board of Medical Quality  
19 Assurance of the State of California:

20 15. The drugs listed below are dangerous drugs as set  
21 forth in Business and Professions Code <sup>1/</sup> section 4211 and/or  
22 controlled substances as set forth in sections 11055 and 11056 of  
23 the Health and Safety Code:

24 (a) Bephetamine, generic amphetamine resin,  
25 Schedule II;

26 1. All statutory references are to the Business and  
27 Professiona Code unless otherwise indicated.

(b) Secobarbital, a barbituric acid derivative,  
Schedule II;

(c) Sodium amytal, a preparation containing  
amobarbital, Schedule III;

(d) Dexamyl, the generic combination of ampheta-  
mine and barbiturate, Schedule II;

(e) Eskatol Spansule, dextroamphetamine and pro-  
chlorperazine, Schedule II;

(f) Tuinal, secobarbital and amobarbital,  
Schedule III;

(g) Preludin, phenmetrazine HCL, Schedule II;

(h) Seconal, the trade name for the generic  
substance secobarbital, Schedule III;

(i) Qualude, the trade name for the generic  
substance methaqualone, Schedule III.

FOURTH CAUSE FOR DISCIPLINARY ACTION

16. On or about the dates listed below respondent did  
repeatedly and excessively provide the enumerated substances to  
the designated individuals:

<u>PATIENT</u>	<u>DATE</u>	<u>DRUG PRESCRIBED</u>
A. F.J. <sup>2/</sup>	2/20/80	Biphetamine 20 mg #30
	2/27/80	Biphetamine 20 mg #50
	4/16/80	Biphetamine 20 mg #50
		Sodium Amytal #50
B. E.W.	1/7/80	Dexamyl #2 #12
	1/14/80	Dexamyl #2 #24
	1/28/80	Dexamyl #2 #30

2. The names of patients will be provided to the  
respondent upon discovery.

	<u>PATIENT</u>	<u>DATE</u>	<u>DRUG PRESCRIBED</u>
1			
2	B. E.W. (Con't)	2/25/80	Dexamyl 15 mg #30
3			
4	C. J.L.	4/20/79 4/23/79	Eskatrol Spansules 30 Eskatrol Spansules 50
5			
6	D. G.W.	2/21/79	Tuinal 3 gr. 50
		6/25/79	Tuinal 3 gr. 50
7		10/30/79	Tuinal 3 gr. 50
		12/12/79	Tuinal 3 gr. 50
8		1/16/80	Tuinal 3 gr. 50
		2/13/80	Tuinal 3 gr. 50
9		3/19/80	Tuinal 3 gr. 50
		4/16/80	Tuinal 3 gr. 50
10			
11	E. J.T.	12/29/78	Biphetamine 20 mg #30
		2/6/79	Biphetamine 20 mg #50
12		4/10/79	Biphetamine 20 mg #30
		4/24/79	Biphetamine 20 mg #50
13		5/23/79	Biphetamine 20 mg #30
		6/13/79	Biphetamine 20 mg #30
14		6/27/79	Biphetamine 20 mg #30
		7/16/79	Biphetamine 20 mg #30
15		8/1/79	Biphetamine 20 mg #50
		8/27/79	Biphetamine 20 mg #30
16		10/3/79	Biphetamine 20 mg #30
		11/2/79	Biphetamine 20 mg #30
17		1/2/80	Biphetamine 20 mg #30
		1/23/80	Biphetamine 20 mg #30
18		2/11/80	Biphetamine 20 mg #30
		3/7/80	Biphetamine 20 mg #30
19		3/24/80	Biphetamine 20 mg #30
20	F. M.T.	8/1/79	Eskatrol Spansules 30
		8/27/79	Eskatrol Spansules 30
21		9/17/79	Eskatrol Spansules 30
		10/3/79	Eskatrol Spansules 30
22			
23	G. W.R.	1/22/79	Preludin 75 mg #50
		2/23/79	Biphetamine 20 mg. #50
24		3/14/79	Biphetamine 20 mg #50
		4/16/79	Preludin 75 mg #50
25		6/29/79	Preludin 75 mg #50
		7/16/79	Biphetamine 20 mg #50
26		7/31/79	Preludin 75 mg #50
		8/28/79	Preludin 75 mg #50
27		9/28/79	Preludin 75 mg #50

1	PATIENT	DATE	DRUG PRESCRIBED
2	G. W.R. (Con't)	10/23/79	Preludin 75 mg #50
3		11/20/79	Preludin 75 mg #50
4		12/11/79	Preludin 75 mg #50
5		1/11/80	Preludin 75 mg #50
6		2/19/80	Desoxyn 15 mg #50
7		4/19/80	Desoxyn 15 mg #50
8	R. M.R.	1/22/79	Desoxyn 15 mg #50
9		2/23/79	Desoxyn 15 mg #50
10		3/14/79	Desoxyn 15 mg #50
11		4/25/79	Desoxyn 15 mg #60
12		6/19/79	Desoxyn 15 mg #60
13			Desoxyn 15 mg #21
14		7/31/79	Desoxyn 15 mg #50
15		8/29/79	Desoxyn 15 mg #50
16		10/9/79	Desoxyn 15 mg #50
17		11/20/79	Desoxyn 15 mg #50
18		12/11/79	Desoxyn 15 mg #50
19		1/11/80	Desoxyn 15 mg #50
20		2/5/80	Desoxyn 15 mg #50
21		3/21/80	Desoxyn 15 mg #50
22		3/28/80	Desoxyn 15 mg #50
23	I. V.W.	2/7/79	Seconal 100 mg #60
24		2/21/79	Seconal 100 mg #50
25		3/26/79	Seconal 100 mg #60
26		4/11/79	Tuinal 200 mg #60
27		5/14/79	Tuinal 200 mg #60
28		6/6/79	Tuinal 200 mg #50
29		6/27/79	Tuinal 200 mg #30
30		7/25/79	Tuinal 200 mg #60
31		8/15/79	Tuinal 200 mg #60
32		9/5/79	Tuinal 200 mg #60
33		9/26/79	Tuinal 200 mg #60
34		10/17/79	Tuinal 200 mg #60
35		11/7/79	Tuinal 200 mg #60
36		12/12/79	Tuinal 200 mg #60
37		1/16/80	Tuinal 200 mg #60
38		2/13/80	Tuinal 200 mg #60
39		3/12/80	Tuinal 200 mg #60
40		4/9/80	Tuinal 200 mg #60
41	J. J.M.	5/1/79	Ritalin 20 mg #100
42			Tuinal 200 mg #30
43		8/28/79	Ritalin 20 mg #100
44			Tuinal 200 mg #30
45		9/19/79	Ritalin 20 mg #100
46			Tuinal 200 mg #30

PATIENT	DATE	DRUG PRESCRIPTION
J. J.M. (Con't)	10/31/79	Ritalin 20 mg #100
	11/21/79	Tuinal 200 mg #30
		Ritalin 20 mg #100
	12/12/79	Ritalin 20 mg #100
		Tuinal 200 mg #30
	1/2/80	Ritalin 20 mg #100
		Tuinal 200 mg #30
	1/23/80	Ritalin 20 mg #100
	2/13/80	Ritalin 20 mg #100
	4/2/80	Ritalin 20 mg #100
K. P.B.	11/5/79	Preludin 75 mg #30
	12/3/79	Preludin 75 mg #30
		Quaalude 300 mg #30
	12/31/79	Preludin 75 mg #30
		Quaalude 300 mg #30
	2/5/80	Preludin 75 mg #30
		Quaalude 300 mg #30
	7/9/80	Quaalude 300 mg #30
	8/6/80	Quaalude 300 mg #30
	9/16/80	Quaalude 300 mg #30

17. The conduct of respondent as alleged above in paragraph 16(A) through (K) inclusive is jointly, singularly or in any combination thereof, in violation of section 725 and therefore constitutes grounds for disciplinary action against respondent pursuant to sections 2360 and 2361.

#### FIFTH CAUSE FOR DISCIPLINARY ACTION

18. The allegations set forth in paragraphs 16(J) and 17 above are incorporated herein by reference as through fully set forth at length.

19. On or about the dates listed above in paragraph 16 (J) the respondent prescribed the drugs listed in paragraph 16(J) above to patient J.M., who respondent knew was an addict or habitue.

20. The conduct of respondent as alleged above in paragraphs 18 and 19 is in violation of section 2241 and therefore constitutes grounds for disciplinary action against respondent pursuant to sections 2360 and 2361.

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22. On or about the dates listed above in paragraph 16(A) through (K), the respondent did prescribe the controlled substances and/or dangerous drugs to the patients named therein without medical indication..

24. The conduct of respondent alleged above in paragraphs 21 through 23 is in violation of section 2242, and thereby constitutes grounds for disciplinary action against respondent pursuant to sections 2360 and 2361.

21 DATED: July 14, 1981.

ROBERT G. ROWLAND  
Executive Director  
Board of Medical Quality Assurance

27